



**CITY OF PITTSFIELD
POLICE DEPARTMENT**

POLICE HEADQUARTERS, 39 ALLEN STREET, PITTSFIELD, MASSACHUSETTS 01201 (413) 448-9700, FAX (413) 448-9733

OFFICE OF THE CHIEF OF POLICE

(413) 448-9717

PROFESSIONALISM • ETHICS • INTEGRITY • SENSITIVITY • ACCOUNTABILITY

December 13, 2012

Officer Miles Barber

January 23, 2008
May 12, 2011
June 5, 2011

July 11, 2011
October 7, 2011

November 11, 2011

Based on the above review, it is apparent that your [REDACTED]

[REDACTED] On this basis, I accept and concur with Captain Granger's recommendations.

Respectfully,


Michael J. Wynn
Chief of Police

Pursuant to MGL Chapter 149 Section 52C you are being hereby notified that a copy of this notification outlining the sanction(s) imposed upon you as a result of the allegations charged, investigated and subsequently sustained is being placed in your Personnel File which may be used to negatively affect your qualification for employment, promotion, transfer to a special assignment or the possibility that you may be subject to additional discipline should further infractions occur. You will be given the opportunity to review your Personnel File twice annually within five (5) business days of submission of a written request during normal business hours, provided, however that the notification and review caused by the placing of negative information in the personnel record shall not be deemed to be one of the two annually permitted reviews. No additional compensation will paid for such opportunity to review stated Personnel File.



**CITY OF PITTSFIELD
POLICE DEPARTMENT**

INTERNAL AFFAIRS/PROFESSIONAL STANDARDS

INTERNAL AFFAIRS DISCIPLINARY CHRONOLOGY

EMPLOYEE: Miles J. Barber (Police Officer)

	<u>DATE</u>	<u>DISCIPLINE</u>	<u>VIOLATION(S)</u>
1.	11/11/2011		
2.	10/7/2011		
3.	7/11/11		
4.	6/15/11		
5.	5/12/2011		
6.	1/23/2008		

"DEDICATED TO EXCELLENCE"



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December 13, 2012

Officer Miles Barber:

Be advised that you are the subject of an Administrative Investigation, which has been initiated on the basis of reports filed by Lieutenant Katherine O'Brien and reviewed by Captain David Granger.

The nature of the complaint is as follows:

Lt. O'Brien, Squad C Shift Commander, documented 2 allegations against Officer Miles Barber. The first allegation involves the mishandling of personal property in violation of written department orders. The second allegation involves the failure to follow established procedures for requesting discretionary time off.

Both incidents were reported to and investigated by Captain Granger, Uniform Division Commander.

Captain Granger has reviewed Lt. O'Brien's reports and forwarded them to me with his recommendations.

Respectfully


Michael J. Wynn
Chief of Police

Administrative Investigation IA Number: 2012-IA-027 Received: Nov 26, 2012 09:00

Call/Case Number: ADMIN

Officers Involved:

Officer Miles J Barber [103/04791]

Officer current Info:

Division: Uniformed Patrol Division
Bureau:
Unit:

Snapshot - officer information at time of incident:

Badge/ID no: 103
Division: Uniformed Patrol Division
Bureau:
Unit:
Squad: Squad C [REDACTED]
Rank/title: Officer
Age: 50 Years of employment: [REDACTED] Years with unit:
Off duty: No Off duty employed: No

Allegations:

8.0: [REDACTED] - 8.02: [REDACTED] - Sustained - Dec 13, 2012
5.0: [REDACTED] - 5.0: [REDACTED] - Sustained - Dec 13, 2012

Officer complainants:

Lieutenant Katherine M O'Brien [/62419]

Officer current Info:

Division: Uniformed Patrol Division
Bureau:
Unit:

Officer witnesses:

Sergeant Gary W Belknap [128/08800]

Officer current Info:

Division: Uniformed Patrol Division
Bureau:
Unit:

Summary:

Lt. O'Brien, Squad C Shift Commander, documented 2 allegations against officer Miles Barber. The first allegation involves the mishandling of personal property in violation of written department orders. The second allegation involves the failure to follow established procedures for requesting discretionary time off.

Both incidents were reported to and investigated by Captain Granger, Uniform Division Commander.

Investigative tasks:

Due dt	Done dt	Type
Dec 6, 2012		10 Day Review
Automatically generated		
Dec 16, 2012		20 Day Review
Automatically generated		
Nov 28, 2012		Contact Officer Involved
Automatically generated		
Jan 25, 2013		Final Disposition Notification
Automatically generated		
Dec 1, 2012		Interview Officer
Automatically generated		
Jan 20, 2013		Request Extension
Automatically generated		
Jan 25, 2013		IA Overall Report Due (60 days)
Automatically generated		

When/where:

Date/time occurred: Dec 11 2003 00:01

Incident Location: 39 Allen Street Pittsfield MA 01201
County: Police Headquarters

Linked files:**Internal Documents:**

BARBER M IA OBRIEN COMP TIME (pdf)
BARBER M IA OBRIEN MISHANDLING PROPERTY (pdf)
BARBER M IA REPORT (pdf)
BarberM12132012 (doc)
CoverMemomjw12132012 (docx)

Officer Documents:

Notice MBarber 02132012 (DOC)

Status/assignment information:

Status: Active Priority: Normal

Opened: 12/13/2012 Assigned: 12/12/2013 Due: 01/01/2013

Completed:

Disposition:

Unit assigned: Command Staff

Handled at field/unit level: Yes

Outside/file Investigator: Captain David R Granger

Investigator assign: Captain David Granger

Supervisor assign: Un-assigned

Source of information: Internal

Organizational component(s):

Division: Uniformed Patrol Division

Squad: Squad C (0000-0830)

Entered by: Chief Michael Wynn on Dec 13, 2012 at 11:04

Pittsfield Police Department
Uniform Patrol Division
Internal Affairs

Confidential / Command Staff Only

Date: November 19, 2012
To: Chief Michael J. Wynn
From: Captain David R. Granger
Re: Officer Miles Barber



Details,

When I returned to duty from Time Off on November 11, 2012 I was made aware of two incidents that occurred while I was gone involving Officer Miles Barber. One involved the mishandling of property turned over to him on Election Day. The other involved the officer failing to follow the long-standing comp time request practice of confirming your requested comp time one hour before the start of the shift. I instructed Lieutenant O'Brien to look into both incidents and submit written reports on her findings:

- On November 12, 2012 the lieutenant submitted a detailed report regarding the mishandling of a wallet that one [REDACTED] left at the [REDACTED] on Election Day. (11/06) Officer Barber failed to turn the wallet into property and did in fact take the wallet with him off duty to his personal residence. He did not turn the wallet into the station until the following day and only after being contacted by Lt O'Brien via the phone about the wallet.
- On November 14, 2012 Lieutenant submitted a report to me regarding Officer Barber's failure to follow the long established (6 plus years) practice regarding the granting of Comp Time prior to the officers shift. Officer Barber failed to call in one hour prior to his shift and confirm his come time request as instructed and as is past practice. Sergeant Belknap and Sergeant Lenihan both submitted reports regarding this incident.

Based on my review of all the reports I concur with Lieutenant O'Brien's findings that Officer Miles Barber violated your General Order regarding property and failed to follow the long-established practice of confirming your comp day request one hour prior to your shift.

Based on these findings and Officer Barber's [REDACTED]
[REDACTED]

11/26/2012 - HAVE ✓
* SCANNED IN
✓ CREATE IAPRO
Case
✓ 3012 Notice +
Letters

[REDACTED]

CONCUR

[REDACTED]

[REDACTED]

[REDACTED]

CONCUR

[REDACTED]

All reports have been forwarded to your office for review and consideration.

Respectfully Submitted,

Capt *DK Granger*

Captain David R. Granger
Uniform Patrol Commander

**PITTSFIELD POLICE DEPARTMENT
REPORT TO THE CHIEF**

Date: November 14, 2012

TO: Chief Wynn
Captain Granger

FROM: Lieutenant Katherine M. O'Brien

RE: Officer Miles Barber – Failure to obey Procedure for Comp Time Request

SIR:

I was on vacation earlier this month. I stopped into the station on the morning of Saturday, November 3 to get something from my office. Sergeant Gary Belknap was the Desk Sergeant for Squad C that morning. He notified me that there had been a problem earlier in the shift because Officer Miles Barber had not shown up for work at [REDACTED]

Sergeant Belknap told me that when Officer Barber had not been at Roll Call, he had asked Sergeant Mark Lenihan, the Desk Sergeant on the previous shift, if Officer Barber had called in. Sergeant Lenihan informed him that Officer Barber had called the station to request a Comp Day at approximately [REDACTED] that evening.

Sergeant Lenihan told Sergeant Belknap that he had informed Officer Barber that, according to Department practice, he would have to call back at [REDACTED] to be assured he would get the time. Officer Barber did not call back at [REDACTED]

After speaking with Sergeant Belknap, Sergeant Lenihan called Officer Barber's cell phone and left him a message. After Roll Call, Sergeant Belknap also called Officer Barber's cell phone and left a message, at approximately [REDACTED]

Sergeant Belknap then dispatched Officer David Kirchner to go to Officer Barber's home to contact him. At approximately [REDACTED], Officer Kirchner notified Sergeant Belknap that no one answered the door at the Barber home, nor was the vehicle in the driveway.

At approximately 0022, Officer Barber called Sergeant Belknap on his cell phone. When Sergeant Belknap told him he was supposed to be at work, Officer Barber told him that he must have misunderstood Sergeant Lenihan and he was "out". He asked, at that time, for a Comp Day, which Sergeant Belknap told him he was going to deny, since he had not followed the Department's practice of calling an hour before the shift was due to start. At this time, Officer Barber told him that he would report for work, but it would be a while because he was calling from a [REDACTED]. Sergeant Belknap notified him that because he had been [REDACTED] he should not come in to work and he would be granted a Comp Day to cover his absence.

He told me that he had sent a report of what had happened to me and Captain Granger, via email. His report is attached to this report.

Captain Granger ordered Sergeant Lenihan to leave a report about his recollections of the circumstances. In his report, Sergeant Lenihan notified Officer Barber that, at the time of his initial call, he would be eligible for a Comp Day, but he would have to call back at [REDACTED], per Department policy and practice. Sergeant Lenihan's report indicated that Officer Barber told him he understood and would call back at [REDACTED]. When he did not call back, Sergeant Lenihan thought he had changed his mind. When he later found out from Sergeant Belknap that Officer Barber had not reported for work, Sergeant Lenihan called Officer Barber to tell him he needed to be at work and to call Sergeant Belknap. Sergeant Lenihan received a call on his cellphone from Officer Barber at [REDACTED] during which Officer Barber told him he had forgotten to call the station at [REDACTED]. Sergeant Lenihan's report is attached to this report.

On November 13, I ordered Officer Barber to leave a report regarding the incident. His report is attached to this report. In his report, Officer Barber wrote that he called the station for a Comp Day at approximately [REDACTED]. He stated that Sergeant Lenihan told him that at that time he could have the Comp Day, but he advised him to call back at [REDACTED] to confirm the Comp Day. He wrote that he went out for the night with friends and at approximately [REDACTED] he checked his phone for calls or messages. He noticed that both Sergeants Belknap and Lenihan had called him. When he called Sergeant Lenihan back, he was told that although he was still eligible for the Comp Day, it was uncertain whether he would get it because he had not called back at [REDACTED] to confirm it. He then called Sergeant Belknap and told him the "mix up was not intentional." When Sergeant Belknap told him he would have to come in to work, Officer Barber informed him that he had [REDACTED]. He was then told by Sergeant Belknap not to report for work.

In his report, Officer Barber defended his failure to call back to confirm the Comp Day request saying, "*past practice has shown that if there is a time when a shift is heavy by several officers, the first person calling in requesting a comp night has typically been granted that request without the need for a call back later in the shift.*"

Officer Barber's understanding of the process for granting Comp Time is self-serving and wrong. It is the well-known, common practice of the Patrol Division that officers must call in an hour before their shifts start to confirm there is still an opportunity to get the time. Officers can call in earlier to reserve a slot, but without the call an hour before, it will not be granted. Officer Barber, as a regular Desk Officer, has been present on many occasions when a Desk Sergeant has deferred granting Comp Time requests because it was not yet within an hour of the shift commencing.

I believe that Officer Barber failed to follow the process for obtaining a Comp Day and should be subjected to [REDACTED]

Respectfully submitted,



Lieutenant Katherine M O'Brien

Katherine O'Brien

From: Mark Lenihan
Sent: Wednesday, November 14, 2012 10:43 AM
To: Katherine O'Brien; David Granger
Cc: Mark Lenihan
Subject: comp req

To: Captain Granger

CC: Lt O'Brien

From: Sgt Lenihan

Re: Comp time request from Off Miles Barber

On the night in question(11-03-12)? I was working the [REDACTED] shift as the station sergeant. I received a telephone call from Officer Miles Barber requesting a comp night for his shift; [REDACTED]

I checked the detail book and the posted schedule and informed him that at the time of his call he could have the comp night. However; per department policy and past practice he would have to call me back at [REDACTED] and I would officially grant him the comp day or not . Officer Miles Barber stated he understood and he would call back at [REDACTED]

Officer Miles Barber did not call back so I believed he changed his mind regarding the comp night and he would report for duty at his regular hours.

At the end of my tour of duty I notified Sgt Belknap of the situation. Officer Barber was not at roll call so I called him and left a message stating he needed to be at work and to call Sgt Belknap. I received a return phone call from Officer M barber at approximately [REDACTED] on my cell phone. He stated he forgot to call at [REDACTED] and he would call Sgt Belknap.

Respectfully Submitted,

Sgt Lenihan

Mark Lenihan
Sergeant

Pittsfield Police Department
39 Allen Street
Pittsfield, MA 01201
413.448.9700 x422
mlenihan@pittsfieldpd.org
www.pittsfieldpd.org

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Gary Belknap

To: Katherine O'Brien
Cc: David Granger; Gary Belknap
Subject: Ofc Miles Barber/ Incident 11-03-12

Lt,

On the morning of 11-03-12, at [REDACTED] I conducted roll call for the oncoming Sqd C shift. As I was leaving the Sgt's Desk area I noticed that the scheduled Desk Officer, Mile Barber was not present. I asked the Sqd B Desk Sergeant, Mark Lenihan, if Ofc. Barber had called in. He informed me at that time that Ofc. Barber had called requesting a COMP Day at approximately [REDACTED] on 11-02-12, and that he told him that he would have to call at [REDACTED] to secure the day. He further stated that Ofc. Barber did not call at [REDACTED] seeking the time. Sgt. Lenihan called Ofc. Barber's cell phone at that time and left a message.

At approximately [REDACTED] I completed roll call and returned to the desk area. At that time I placed a call to Ofc. Barber's cell phone, and the call went to voice mail. I advised Ofc. Barber by message to contact me. I then instructed Ofc. David Kirchner to go to Ofc. Barber's house and have him contact me.

At approximately [REDACTED] Ofc. Kirchner called and informed me that there was no answer at Ofc. Barber's home, and that his vehicle was not present.

At approximately [REDACTED] Ofc. Barber called me on my cell phone. I advised him that he was supposed to be at work. He stated to me that he must have misunderstood and that he was out. He further asked if he could take a COMP day at that time. I advised him that had he called at [REDACTED] when he was instructed, he would have been granted the time, however I was not going to grant it at that time. He then stated that he would come in, but that it would be a while because he was at a [REDACTED] that time. He further informed me that he had [REDACTED] advised him not to come in at that time, due to the fact he had [REDACTED] and that I would place him on COMP time. I also advised Ofc. Barber that I would be leaving a report regarding this incident to the Shift Commander and Patrol Captain.

Respectfully Submitted,

Sgt. Gary Belknap, Sqd. C

13 November, 2012

Attn: Lt. Katherine O'Brien

Squad C Shift Commander

RE: Comp Night Nov. 3rd

Lt. O'Brien,

On the afternoon of Friday, November 2nd at approximately 1700 hours, I contacted the station to request a comp day for that Friday night, Saturday morning during my regularly scheduled Squad C shift. Being that I had just come off the previous Squad C shift, I knew that at last count we were at [REDACTED] on the street, which was [REDACTED] [REDACTED] to run the shift.

Upon calling the station and spoke directly to Sgt. Mark Lenihan to make my request. Sgt. Lenihan then took a few moments to review the detail. When he returned, he informed me that we were still over our [REDACTED] and I could have the comp night. He then advised me to call back at [REDACTED] to confirm the night off. I then thanked him and effectively ended the call.

Later that same evening, I had gone out to enjoy some time with friends. At approximately [REDACTED] I took out my cell phone to check for calls or messages. This is when I had observed that both Sgt. Lenihan and Sgt. Belknap had called. I immediately called Sgt. Lenihan to find out why he had called. Sgt. Lenihan stated that though we still had extra personnel on shift, since I had not called back at [REDACTED] he wasn't certain that I had still wanted the comp night. I then informed him that I would call Sgt. Belknap immediately.

Upon calling Sgt. Belknap, he, too, informed me that it was uncertain if I had actually taken a comp night or not. I apologized and explained that the mix up was not intentional. He informed me that I had put him into a bad position with failing to confirm the comp night. I, again, told Sgt. Belknap that this was not my intention. I then asked

Sgt. Belknap if he would need me to come into work. He said yes that he would need me to come in. I then informed Sgt. Belknap that [REDACTED] He, at that point, told me to not come in. Again, I apologized for putting him and others in this situation altogether.

Solely in my defense, past practice has shown that if there is a time when a shift is [REDACTED] the first person calling in requesting a comp night has typically been granted that request without the need for a call back later in the shift. This in no way is to point a finger at anyone else, nor excuse my actions of failing to call back Sgt. Lenihan upon being informed of a call back. I merely wished to inform you what I thought I had experienced as past practice and thought the night off was a given.

The following evening upon returning to work I learned that due to the fact that we were still [REDACTED] the comp night was effectively granted.

Respectfully Submitted,



Officer Miles J. Barber

Patrolman #04791

**PITTSFIELD POLICE DEPARTMENT
REPORT TO THE CHIEF**

Date: November 12, 2012

TO: Chief Wynn
Captain Granger

FROM: Lieutenant Katherine M. O'Brien

RE: Mishandling of property by Officer Miles Barber

SIR:

On Wednesday, November 7, at approximately 1345, Margaret Gregory, the Chief's Executive Assistant, told me that she had just gotten off the phone with Linda Tyer, the City Clerk. Ms Gregory told me that a woman named [REDACTED] was at the Clerk's Office looking for her wallet. Ms [REDACTED] had left it the previous day at [REDACTED] when she had voted. Ms [REDACTED] had come to the police station to get the wallet, but we were unable to find it, so she had gone to the Clerk's Office.

Ms Gregory told me that she had called the officer assigned to that polling precinct, Miles Barber, but he had not answered the phone, so she wanted to know what to do next. I called Officer Barber from my office phone and left a message when he did not answer. He called me back shortly after at 13:52. He told me that he had called the station the night before when he had come into possession of the wallet and a call had been made about it. He told me he forgot to turn the wallet in when he returned from the polls the previous night. He said that he was at the [REDACTED] and would bring the wallet to the station within a half hour.

I informed Ms Gregory of this development and assured her I would deliver the wallet to the City Clerk's Office when I got it.

I checked IMC for the previous night's calls, but found no call for the lost wallet, nor did I find that an Offense Report had been created. I was scheduled to leave work that afternoon at 1430, and when Officer Barber had not arrived by 14:28, I notified Ms Gregory that I would not be delivering the wallet, as we had agreed upon. When I returned to the first floor of the building, Officer Barber was there with the wallet. I notified Ms Gregory of the change and went across the street to give the wallet to [REDACTED], the Head Clerk.

The next day, I located the call Officer Barber had made to the station on November 6, at 19:11, reporting the recovery of the wallet. He asked the dispatcher for contact information on [REDACTED]

[REDACTED] but we had nothing other than her latest address. He told the dispatcher, if the owner did not return to the polling site, he would bring the wallet in to the station after 8 pm, when he was done at the polls. He did not ask that a call be created.

On May 6, 2008, Captain in Charge Wynn issued General Order 2008-05 regarding Property Controls. It reads as follows:

Effective immediately, department personnel who take possession of the personal property of any individual, while in the course of their duties will fully document the property transfer.

Upon taking possession of any personal property, department personnel will label, tag, place in an envelope, or otherwise mark each held item. Additionally, any time property is taken into custody, transported and held at any department facility, the seizing officer will create or have created an IMC Offense Number. Each item held will be listed in the IMC property module and the property module will serve as the official inventory of the property held.

A printed copy of the IMC Offense report will be attached to the tag, label, or envelope of one item from each property call.

I believe that Officer Barber [REDACTED] [REDACTED] He did not ensure that call and offense numbers had been generated, as mandated by the order. He neglected to leave the wallet at the station at the end of his election duty, instead taking the private property home with him.

This is not the first time Officer Barber has [REDACTED] with the Department's property handling requirements. Specifically, he was [REDACTED] in regards to property associated with the [REDACTED]

I believe that his subsequent violation of this order requires further progressive [REDACTED]

Respectfully submitted,

Lieutenant Katherine M O'Brien